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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,
13
14 Plaintiff,
15 v.
16 KEITH JACKSON,
17 Defendant.

Case No. 3:14-CR-00196 (CRB)

**DEFENDANT'S ADMINISTRATIVE
MOTION TO FILE KEITH
JACKSON'S MOTION TO SUPPRESS
FRUIT OF ILLEGAL WIRETAPS, OR
IN THE ALTERNATIVE, FOR A
FRANKS HEARING, AND EXHIBITS
IN SUPPORT THEREOF UNDER
SEAL**

NOTICE OF MOTION

Pursuant to Criminal Local Rule 56-1 and Civil Local Rule 7-11, Defendant Keith Jackson moves the Court to permit Mr. Jackson to file under seal the Motion to Suppress Fruit of Illegal Wiretaps, or in the Alternative, for a *Franks* Hearing (the “Motion to Suppress”), and documents and Exhibits [1–28] in support thereof. This motion is based upon this Notice of Motion and the attached Memorandum of Points and Authorities, the Declaration of S. Raj Chatterjee, the files and records in this case, and any other evidence or argument that may properly be presented to the Court. The Motion to Suppress and supporting documents and Exhibits will be filed manually with the Court pursuant to Criminal Local Rule 56-1(c)(1).

MEMORANDUM OF POINTS AND AUTHORITIES

Defendant Keith Jackson submits this Administrative Motion pursuant to Criminal Local Rule 56-1 to request permission to file under seal Mr. Jackson's Motion to Suppress Fruit of Illegal Wiretaps, or in the Alternative, for a *Franks* Hearing (the "Motion to Suppress"), and the supporting documents, including Exhibits [1–28].

Mr. Jackson's Motion to Suppress seeks an order suppressing any and all fruits of wiretaps on defendant Keith Jackson telephone, as well as defendant Senator Leland Yee's home and mobile telephones and, in the alternative, seeks a hearing pursuant to *Franks v. Delaware*, 438 U.S. 154 (1978).

Information and statements contained in the Motion to Suppress and Exhibits [1–28] were provided by the government in discovery and are SUBJECT MATERIAL covered by the Protective Order entered in this case on May 19, 2014. The Protective Order provides:

This Protective Order does not limit or modify the parties' rights to use the SUBJECT MATERIALS in judicial proceedings in this action, including in any trial or pretrial matters before the Court, using appropriate procedures to protect the safety and security of third parties when necessary. Any SUBJECT MATERIALS that reveal the images or the true identities of any federal undercover agents or confidential human sources shall be filed under seal.

[Dkt. 302 at 6–7.]

The exhibits in support of the Motion to Suppress and matters discussed in the motion include sensitive information. Among other materials, the exhibits include affidavits by FBI special agents that describe matters that concern individuals who are not charged in this case and other sensitive materials. Due to the nature of the Motion to Suppress and the need for the Court to view the Exhibits in their entirety, defense counsel cannot redact the documents submitted. Even if it were possible, sensitive material might be considered interwoven with other information. [See Dkt. 301 at 3.] Therefore, Mr. Jackson's counsel requests permission to file under seal the Motion to Suppress as well as the supporting documents, including Exhibits [1–28].

1 Dated: March 26, 2015

Respectfully submitted,

2 MORRISON & FOERSTER LLP

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4 By: /s/ James J. Brosnahan
JAMES J. BROSNAHAN

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6 Attorneys for Defendant
KEITH JACKSON